

# SCOTT COUNTY SCHOOL DISTRICT I

255 Highway 31 S, P.O. Box 9  
Austin, IN 47102  
812-794-8750 or Fax 812-794-8765

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Elementary Asst. Principal

December 1, 2011

## REQUEST FOR REVIEW

### CC Docket No. 96-45 and CC Docket No. 02-6 E-Rate Appeal Filed Electronically via the FCC ECFS System

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**RE:** Request for Review of the Administrator's Decision on Appeal 471 Application 793562  
FRN 2147615, 2147618, 2147621, 2147625  
Denied with respect to the Bishop Perry Order

Re: Applicant: Scott County Schools District I  
BEN: 130532  
Form 471 Application Number: 793562  
FRN: 2147615, 2147618, 2147621, 2147625  
Funding Year: 2011  
Services: Telecommunications and Internet Access  
Service Providers: Frontier North SPIN 143004791, AT&T Corp. SPIN 143001192, Verizon  
Business Global SPIN 143001197, and AT&T Mobility SPIN 14325240

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To Whom It May Concern:

This is an appeal of the denial of the Administrator's Decision on Appeal – Funding Year 2011 – 2012 dated October 14, 2011 in connection with FRN 2147615, 2147618, 2147621, and 2147625 on 471 Application Number 793562. A copy of the Administrator's Decision of Appeal is attached hereto as Exhibit A.

Text Being Requested for Review:

“The Block 4 discount increases requested with your appeal letter are not considered correctable ministerial and clerical errors. The FCDL was issued on June 23, 2011. FCC rules do not allow for discount increases after the FCDL is issued.” In addition, “The FCC's Bishop Perry Order directed USAC ‘to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Forms 470 or 471, and an additional opportunity to file the required certifications’ without posting new FCC Forms 470 and 471.”

Appeal Review Request:

USAC based the denial on a lack of FCC authority to allow discount increases and the Bishop Perry Order. The FCC has a long history of waiving its rules for “good cause” in this case the actual source document for free/reduce lunch counts was amended by the Indiana Department of Education who has the sole responsibility of creating the source document for all Indiana entities to use when filing Block 4 of the FCC Form 471. We suggest a change in the source document should not be considered a ministerial and clerical error made by the applicant.

The FCC's Bishop Perry Order was not violated because it specifically addresses “The decisions at issue involve the denial of funding based on an applicant's failure to timely file an FCC Form 471, a failure to timely file certifications related to an FCC Form 470, or a failure to comply with minimum processing standards.”<sup>19</sup> (see Page 4 of Order). This was a source document correction which is not addressed by the FCC's Bishop Perry Order.

Attached documents which support The Request for Review

Exhibit A - Copy of Administrator's Decision of Appeal – Funding Year 2011 - 2012, Dated October 14, 2011

Exhibit B - Copy of FCDL dated June 23, 2011

Exhibit C - Indiana Department of Education Letter of Correction – acknowledging an error was made in the State database which serves as the source document for Block 4 discount calculations

Exhibit D - Email verifying the date of Indiana Department of Education Letter of Correction

REQUEST FOR WAIVER OF FCC RULES

The School Corporation believes special circumstances warrant a deviation from the FCC general rules, and such deviation would better serve the public interest than strict adherence to the general rules. In addition, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. We believe that the Indiana Department of Education made an error in their database that is used as the source document for Block 4 discount calculations. Furthermore, we believe that the denial of Block 4 increase inflicts undue hardship on the applicant. We respectfully request a waiver of FCC rules regarding Block 4 increases by the Commission.

Thank you for your time and consideration. You are hereby authorized to contact our E-Rate Contact, Sally Baumer, if you have any questions concerning this appeal or require additional information. Her contact information is as follows:

Sally Baumer  
AdTec, Inc  
P.O. Box 97  
Centerville, IN 47330  
Telephone: 765-855-1612  
Fax: 765-855-1615  
[sbaumer@admtec.com](mailto:sbaumer@admtec.com)

Authorized Signature:

A handwritten signature in cursive script that reads "Berley Goodin".

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Berley Goodin, Superintendent, Scott County School District 1



Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2011-2012**

October 14, 2011

Sally Baumer  
AdTec Administrative & Technical Consulting, Inc.  
P. O. Box 97  
Centerville, IN 47330

Re: Applicant Name: SCOTT COUNTY SCHOOL DISTRICT 1  
Billed Entity Number: 130532  
Form 471 Application Number: 793562  
Funding Request Number(s): 2147615, 2147618, 2147621, 2147625  
Your Correspondence Dated: August 04, 2011

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2011 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2147615, 2147618, 2147621, 2147625  
Decision on Appeal: **Denied**  
Explanation:

- The Block 4 discount increases requested with your appeal letter are not considered correctable ministerial and clerical errors. The FCDL was issued on June 23, 2011. FCC rules do not allow for discount increases after the FCDL is issued. Consequently, your appeal is denied.
- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, *Order*, 21 FCC Rcd 5316-5317,

FCC 06-54 para. 23 (May 19, 2006) (*Bishop Perry Order*). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. USAC has published a list of ministerial and clerical errors that can be corrected on pending applications without violating the program rules and has advised applicants to review this list before submitting corrections. See SLD Section of USAC web site, Reference Area, "Bishop Perry Order, List of Ministerial and Clerical Errors" at [www.usac.org/sl](http://www.usac.org/sl).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Berley Goodin



Schools and Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2011: 07/01/2011 - 06/30/2012)

June 23, 2011

Sally Baumer  
SCOTT COUNTY SCHOOL DISTRICT 1  
P. O. Box 97  
Centerville, IN 47330

**Re: Form 471 Application Number: 793562**  
**Billed Entity Number (BEN): 130532**  
**Billed Entity FCC RN: 0002904118**  
**Applicant's Form Identifier: 2011-218**

Thank you for your Funding Year 2011 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$29,894.19 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 793562 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2011," AND
  - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company

FUNDING COMMITMENT REPORT  
Billed Entity Name: SCOTT COUNTY SCHOOL DISTRICT 1  
BEN: 130532  
Funding Year: 2011

Comment on RAL corrections: Austin Learning Center, #16045975 has been removed from Block 4, Worksheet #1317685, of the Form 471 application at the request of the applicant.

Form 471 Application Number: 793562  
Funding Request Number: 2147615  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 657440000883140  
SPIN: 143004791  
Service Provider Name: Frontier North, Inc.  
Contract Number: T  
Billing Account Number: 06 8140 3363068417 09  
Multiple Billing Account Numbers: Y  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1317685  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$19,605.60  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$19,605.60  
Discount Percentage Approved by the USAC: 69%  
Funding Commitment Decision: \$13,527.86 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The dollars requested were reduced to remove the ineligible: Directory Listings (\$32.00). <><><><><> MR2: The FRN was modified from \$1,665.76 per month to \$1,633.80 per month to agree with the applicant documentation.

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sally Baumer  
Consultant Number (CRN): 16024741  
Consultant Employer: AdTec-Administrative & Technical Consulting

FUNDING COMMITMENT REPORT  
Billed Entity Name: SCOTT COUNTY SCHOOL DISTRICT 1  
BEN: 130532  
Funding Year: 2011

Comment on RAL corrections: Austin Learning Center, #16045975 has been removed from Block 4, Worksheet #1317685, of the Form 471 application at the request of the applicant.

Form 471 Application Number: 793562  
Funding Request Number: 2147618  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 657440000883140  
SPIN: 143001192  
Service Provider Name: AT&T Corp.  
Contract Number: MTM  
Billing Account Number: 053 285 1806 001  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1317685  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,587.76  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$3,587.76  
Discount Percentage Approved by the USAC: 69%  
Funding Commitment Decision: \$2,475.55 - FRN approved as submitted

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sally Baumer  
Consultant Number (CRN): 16024741  
Consultant Employer: AdTec-Administrative & Technical Consulting

FUNDING COMMITMENT REPORT  
Billed Entity Name: SCOTT COUNTY SCHOOL DISTRICT 1  
BEN: 130532  
Funding Year: 2011

Comment on RAL corrections: Austin Learning Center, #16045975 has been removed from Block 4, Worksheet #1317685, of the Form 471 application at the request of the applicant.

Form 471 Application Number: 793562  
Funding Request Number: 2147621  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 657440000883140  
SPIN: 143001197  
Service Provider Name: Verizon Business Global LLC  
Contract Number: MTM  
Billing Account Number: 93302006  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1317685  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,562.56  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$3,562.56  
Discount Percentage Approved by the USAC: 69%  
Funding Commitment Decision: \$2,458.17 - FRN approved as submitted

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sally Baumer  
Consultant Number (CRN): 16024741  
Consultant Employer: AdTec-Administrative & Technical Consulting

FUNDING COMMITMENT REPORT  
Billed Entity Name: SCOTT COUNTY SCHOOL DISTRICT 1  
BEN: 130532  
Funding Year: 2011

Comment on RAL corrections: Austin Learning Center, #16045975 has been removed from Block 4, Worksheet #1317685, of the Form 471 application at the request of the applicant.

Form 471 Application Number: 793562  
Funding Request Number: 2147625  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 657440000883140  
SPIN: 143025240  
Service Provider Name: AT&T Mobility  
Contract Number: MTM  
Billing Account Number: 875371829  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1317685  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$16,569.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$16,569.00  
Discount Percentage Approved by the USAC: 69%  
Funding Commitment Decision: \$11,432.61 - FRN approved as submitted

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sally Baumer  
Consultant Number (CRN): 16024741  
Consultant Employer: AdTec-Administrative & Technical Consulting



# Indiana Department of Education

SUPPORTING STUDENT SUCCESS

Dear Schools and Libraries Division:

This letter is to correct an error made in the Indiana State database used to calculate the free/reduced lunch data used in Block 4 of the Form 471 application # 778388 and # 793562 for Scott County #1 BEN 130532. The correct data for the three schools that comprise this school corporation is provided below.

School ID	School	Total Enrollment	Total F/R	% F/R	R or U	E-rate %
7629	Austin High School	368	228	62	U	80
7630	Austin Elementary School	609	466	76.5	U	90
7631	Austin Middle School	356	250	70.2	U	80
	<b>Total</b>	<b>1333</b>	<b>944</b>	<b>70.8%</b>		<b>85%</b>

Based on these data, I would appreciate the SLD making the necessary adjustments to their E-rate discounts. Please feel free to contact me if you have any questions.

Sincerely,

Dr. John B. Keller  
Assistant Superintendent for Technology  
State E-rate Coordinator

**Sally Baumer**

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**From:** Charlie Hobbs  
**Sent:** Thursday, December 01, 2011 9:30 AM  
**To:** Sally Baumer  
**Subject:** FW: Scott County 1 Letter Regarding Free and Reduced Lunch Verification  
**Attachments:** Scott County 1.pdf

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**From:** John Keller [<mailto:jbkeller@doe.in.gov>]  
**Sent:** Thursday, September 22, 2011 7:35 AM  
**To:** Charlie Hobbs  
**Subject:** RE: Scott County 1 Letter Regarding Free and Reduced Lunch Verification

Thanks, Charlie.

See the final version attached. Let me know if there is anything else that I can do on this.

John

**Dr. John B. Keller**  
Assistant Superintendent for Technology  
[Indiana Department of Education](#)  
(P) 317.234.5703  
(F) 317.232.9121  
[jbkeller@doe.in.gov](mailto:jbkeller@doe.in.gov)